

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

KRISTEN COOK,

Plaintiff,

v.

ENTERGY NUCLEAR OPERATIONS,
INC.,

Defendant.

CIVIL ACTION NO.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1332, 1367, 1441, and 1446, Defendant Entergy Nuclear Operations, Inc. (“ENOI” or “Entergy”) removes this action, which was filed in the Commonwealth of Massachusetts Superior Court, Plymouth County, Civil Action No. 2012-1211, to the United States District Court for the District of Massachusetts, which is the federal judicial district in which the action is pending. As discussed below, removal of this action is proper because this Court has jurisdiction over the action on the basis of diversity jurisdiction under 28 U.S.C. § 1332. The grounds for removal are as follows:

1. On or about October 16, 2012, Plaintiff Kristen Cook filed a Complaint in the Commonwealth of Massachusetts Court, Plymouth County, captioned Kristen Cook v. Entergy Nuclear Operations, Inc., and docketed as Civil Action No. 12-1211 (the “State Court Action”).
2. On October 17, the Clerk for the Commonwealth of Massachusetts Superior Court, Plymouth County, issued a tracking order and two civil summons for the Complaint. See Exhibit A, Docket Report, at Doc No. 5.
3. Plaintiff caused the Summons and Complaint to be served on Entergy on December 24, 2012. See Exhibit B, Summons and Complaint. Accordingly, this Notice of

Removal is being filed with the Court within 30 days of service of the initial pleading setting forth Plaintiff's claim for relief, and is therefore timely pursuant to 28 U.S.C. § 14446(b).

4. Pursuant to 28 U.S.C. § 1446(a), attached as Exhibits B are all processes, pleadings, and orders served upon Entergy in the State Court Action.

5. This Court has diversity jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) because it is between citizens of different states, and it appears based on Plaintiff's claims that the amount in controversy exceeds the sum of \$75,000, exclusive of attorneys fees, interest and costs.

6. Plaintiff is a citizen of Massachusetts. Defendant is a Delaware corporation with a principle place of business in Jackson, Mississippi. See Exhibit C, ENOI Registration with Secretary of State Corporate Database.

7. Plaintiff's Complaint alleges three counts under Mass. Gen. Laws ch. 151B, including a gender discrimination claim (Count I), a disability discrimination claim (Count II), and a retaliation claim (Count III). For each count, Plaintiff's Complaint alleges that she is seeking damages "including monies to compensate her for lost pay, lost benefits, lost future earning capacity, punitive damages, [and] emotional pain and suffering []." Entergy requested in writing that Plaintiff stipulate as to the amount in controversy in this matter, for purposes of investigating removal to Federal Court. In response to Entergy's request, Plaintiff refused to stipulate that her damages are less than \$75,000.00. Therefore, Plaintiff's alleged damages exceed the jurisdictional amount of \$75,000 set forth in 28 U.S.C. § 1332(a).

8. Venue is appropriate under 28 U.S.C. § 1441(a) because this district covers the territory in which the state court action is pending.

9. Entergy will promptly give written notice of this Notice of Removal to Plaintiff, and will file a copy of the Notice with the Clerk of the Superior Court of the Commonwealth of Massachusetts, Plymouth County, as required by 28 U.S.C. § 1446(d).

Accordingly, Defendant hereby removes Civil Action No. 12-1211 from the Commonwealth of Massachusetts Superior Court, Middlesex County to the United States District Court for the District of Massachusetts, and respectfully requests that this Court assume full jurisdiction of this action.

Respectfully submitted,

ENTERGY NUCLEAR OPERATIONS, INC.,

By its Attorneys,

/s/ Michael Clarkson

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Dated: January 23, 2013

CERTIFICATE OF SERVICE

I hereby certify that, on January 23, 2013, this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing ("NEF") and paper copies will be sent via First Class Mail to the following:

Mitchell J. Notis, Esq.
Law Offices of Mitchell J. Notis
32 Kent Street
Brookline, Ma 02444

/s/ Michael Clarkson
Michael Clarkson

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